

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NICE SYSTEMS, INC. and
NICE SYSTEMS LTD.,

*Plaintiffs and Counterclaim
Defendants,*

v.

WITNESS SYSTEMS, INC.,

*Defendant and Counterclaim
Plaintiff.*

C.A. No. 06-311-JJF

DATE: March 2, 2007

TIME: 10:00 a.m.

**WITNESS SYSTEMS, INC.’S NOTICE OF
NUNC PRO TUNC MOTION FOR LEAVE TO FILE ITS
SECOND AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS**

PLEASE TAKE NOTICE THAT, in accordance with the procedures set forth in the Court’s Standing Order regarding the procedure for filing non-case dispositive motions in patent cases, Defendant Witness Systems, Inc. (“Witness Systems”) moves to amend its First Amended Answer, Defenses, and Counterclaims to Plaintiffs’ Complaint and to file its Second Amended Answer, Defenses, and Counterclaims to Plaintiffs’ Complaint to be heard at 10 a.m. on March 2, 2007, or as soon thereafter as the Court may permit, including April 13, 2007.

Dated: February 16, 2007

FISH & RICHARDSON P.C.

By: /s/ Kyle Wagner Compton

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Attorneys for Defendant
Witness Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2007, I electronically filed with the Clerk of Court "WITNESS SYSTEMS, INC.'S NOTICE OF NUNC PRO TUNC MOTION FOR LEAVE TO FILE ITS SECOND AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS " using CM/ECF which will send notification of such filing(s) to the below-listed Delaware counsel. In addition, the filing will also be sent via hand delivery to:

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*Attorneys for Plaintiffs
Nice Systems Ltd. and Nice Systems, Inc.*

I hereby certify that on February 16, 2007, I have emailed and sent via United States Postal Service, the document(s) to the following non-registered participants:

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